

## Gallagher, Ellen

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**From:** Gallagher, Ellen  
**Sent:** Tuesday, May 06, 2014 8:32 AM  
**To:** Shuchart, Scott  
**Subject:** RE: MM has S1 meeting tomorrow

Scott,

I have a couple of additional thoughts and questions I would like to share. First, can you tell me within CRCL what process should be followed to elevate my concerns regarding the use of solitary confinement by ICE and its contractors, particularly as it may impact individuals with disabilities? Responsive information would help me understand why including this among topics for Megan to consider with S1 seems inappropriate at this time. Given the seriousness of the issue, the human rights implications, and the potential for adverse litigation, it is important for S1 to have awareness and the opportunity to evaluate the agency's actions. If it would help, I am very willing to put together a briefing book, obviously with input and direction from Compliance.

Ellen

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**From:** Shuchart, Scott  
**Sent:** Monday, May 05, 2014 12:57 PM  
**To:** Gallagher, Ellen  
**Subject:** RE: MM has S1 meeting tomorrow

Let's make a time to discuss, both this issue, and how this office would work this issue. Raising it directly to S1 is profoundly *not* how it would work as a first step, if that's a change the Officer wanted to effectuate. But we can talk about what and where we could try to move things.

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**From:** Gallagher, Ellen  
**Sent:** Monday, May 05, 2014 12:33 PM  
**To:** Shuchart, Scott  
**Subject:** RE: MM has S1 meeting tomorrow

My concern is multi-faceted and perhaps lends itself to verbal discussion over email to address your question. However, in conversation last month with [REDACTED] I was stunned to learn she did not know we use solitary confinement in detention. Whether termed administrative or disciplinary, doesn't solitary assignment/confinement involve use of the same isolation cells? From the segregation reports I reviewed, some individuals in immigration custody are being "sentenced" to solitary – in the disciplinary context for up to 30 days at a time and repetitively - which I believe research suggests is de facto detrimental in terms of mental health.

To place detainees with severe mental disabilities (e.g., schizophrenia or bipolar disorder) in segregation for the length of time indicated in ICE reports seems extremely concerning, to me at least, and I would want to make sure the new Secretary is aware of the reports, and the data within them. Having read the ICE directive, I also think that document would benefit from further review. The question is not whether someone can or should be in segregation "solely on the basis of disability," but whether an immigration detainee should be in segregation at all, if so, for what reason(s) and length of time, and how the fact that a detainee suffers from a mental, physical, or emotional disability (or all three) should factor into any decision to assign that person to a segregated setting, regardless of whether it is termed "administrative" or "disciplinary."

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**From:** Shuchart, Scott  
**Sent:** Monday, May 05, 2014 12:04 PM  
**To:** Gallagher, Ellen  
**Subject:** RE: MM has S1 meeting tomorrow

Ellen,

This was a major policy issue last year, pushed by Sec. Napolitano. There is a new ICE directive, and it is getting as much attention as anything in ICE detention ever has in the years I've been here. ICE has more oversight of special housing than any other detention authority in the country, we think, and it seems that use of restrictive housing is much lower for ICE detainees than in other detained populations. I am not clear on what you are asking us to do – for S1 to declare no use of administrative segregation for any purpose? The policy is already that nobody can be in seg solely on the basis of disability (including mental health or disability). Is the concern that the policy isn't followed?

Scott

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**From:** Gallagher, Ellen  
**Sent:** Monday, May 05, 2014 11:56 AM  
**To:** Shuchart, Scott; [REDACTED] [REDACTED] [REDACTED]  
**Subject:** RE: MM has S1 meeting tomorrow

I vote for raising strong concern regarding the use of solitary confinement in immigration facilities, especially as it impacts individuals with disabilities (their monitoring, care and treatment).

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**From:** Shuchart, Scott  
**Sent:** Monday, May 05, 2014 11:51 AM  
**To:** [REDACTED] [REDACTED] [REDACTED] Gallagher, Ellen  
**Subject:** MM has S1 meeting tomorrow

Anything we want her to raise? Only a 30 minute meeting so we only get a couple of items, I think.

Scott L. Shuchart

[REDACTED]  
Office for Civil Rights & Civil Liberties  
Department of Homeland Security

[REDACTED]